

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COMCAST CABLE COMMUNICATIONS
CORPORATION, a Delaware company

No. C 06-04206 WHA

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S
MOTION TO FILE DOCUMENTS
UNDER SEAL**

FINISAR CORPORATION, a Delaware
corporation,

Defendant.

The Court has received plaintiff's corrected declarations in support of plaintiff's motion to seal certain documents. After reviewing the materials sought to be sealed, this order finds that only the few paragraphs in the expert report of Michael Wagner are entitled to submission under seal. The Court cannot see any "compelling reason" for sealing Exhibit 2, Comcast's Technical and Business Requirements, that would ultimately justify a closed court session if it were offered as evidence in trial. Vague and conclusory statements, such as "they contain highly sensitive information" (Krishnan Decl. 2), are insufficient to meet the standard prescribed by the Ninth Circuit. The Court is sympathetic to the parties desire to have internal documents submitted under seal, but the standards set forth by the Ninth Circuit must be upheld. Accordingly, only the relevant paragraphs in the expert report of Michael Wagner will be sealed. Plaintiff is instructed to refrain from filing any further motion to seal relating to this matter.

IT IS SO ORDERED.

Dated: December 14, 2007.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE